



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

JUL - 1 2010

Honorable Rita A. Sablan
Commissioner of Education
Commonwealth of the Northern Mariana Islands Public School System
P.O. Box 501370 CK
Saipan, Commonwealth of the Northern Mariana Islands 96950

Dear Commissioner Sablan:

We have conditionally approved the Commonwealth of the Northern Mariana Islands' (CNMI's) application for Federal Fiscal Year (FFY) 2010 funds under Part C of the Individuals with Disabilities Education Act (IDEA or Part C). Our conditional approval is based on our review of the application submitted by the CNMI Public School System (PSS) to the U.S. Department of Education, Office of Special Education Programs (OSEP), on May 6, 2010, including policies, procedures, methods, descriptions, assurances, and certifications identified in Section II, which is incorporated by reference to this letter as Enclosure A. In addition, CNMI provided the following specific assurances that it will:

1. Operate consistently with the Part C requirements in 20 U.S.C. 1431 through 1444 and applicable regulations in 34 CFR Part 303;
2. Ensure that the statewide system of early intervention services required by IDEA Part C and its implementing regulations is, and will remain, in effect throughout the FFY 2010 grant period; and
3. Make such changes to, and submit for OSEP's approval, CNMI's policies, procedures, methods, and descriptions as are necessary to bring those policies, procedures, methods and descriptions into compliance with the requirements of IDEA Part C, as soon as possible, and not later than the earlier of the date indicated by CNMI in Section II of its application or June 30, 2011. Within Section II of its application, CNMI has included for each requirement that it cannot meet at this time, the date by which it expects to complete necessary changes associated with any policies, procedures, methods, and descriptions that are not yet in compliance with the requirements of IDEA Part C.

The conditional approval for CNMI's FFY 2010 Part C grant is also based on CNMI's assurance, dated April 30, 2010, from the CNMI PSS in which CNMI specifically assured that it shall:

1. Make all changes necessary to CNMI's interagency agreement between the CNMI PSS and the Department of Public Health consistent with Part C requirements as specified in OSEP's April 26, 2006 Memorandum to CNMI to comply with Part C requirements, including 34 CFR §§303.12(d)(15); 303.148(b)(2)-(4); 303.321(e)(2); 303.322(e)(1); 303.342(a); 303.344(d); 303.523(b) and (c)(2)(ii); 303.524; and 303.525; and the following 2004 amendments to IDEA: Sections 602(1)(B); 632(4)(E)(iii); 634(1); 635(a)(2); 637(a)(6); and 637(a)(9)(A)(ii)(II) and submit to OSEP the revised and executed interagency agreement as soon as it is finalized, but no later than June 30, 2011;

400 MARYLAND AVE. S.W., WASHINGTON, DC 20202-2600
www.ed.gov

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

2. Ensure that, throughout the period that CNMI uses its FFY 2010 grant funds under Part C of IDEA, all early intervention service programs and providers in CNMI will comply with all requirements of Part C of IDEA, including 34 CFR §§303.12(d)(15); 303.148(b)(2)-(4); 303.321(e)(2); 303.322(e)(1); 303.342(a); 303.344(d); 303.523(b) and (c)(2)(ii); 303.524; and 303.525; and the following 2004 amendments to IDEA: Sections 602(1)(B); 632(4)(E)(iii); 634(1); 635(a)(2); 637(a)(6); and 637(a)(9)(A)(ii)(II);
3. Provide OSEP with a copy of the memorandum notifying all early intervention service programs and providers that are part of CNMI's Part C early intervention system of any changes that affect the provision of early intervention services under Part C, including 34 CFR §§303.12(d)(15); 303.148(b)(2)-(4); 303.321(e)(2); 303.322(e)(1); 303.342(a); 303.344(d); 303.523(b) and (c)(2)(ii); 303.524; and 303.525; and the following 2004 amendments to IDEA: Sections 602(1)(B); 632(4)(E)(iii); 634(1); 635(a)(2); 637(a)(6); and 637(a)(9)(A)(ii)(II); and
4. Ensure that the statewide system of early intervention required by Part C of IDEA in 20 U.S.C. 1431-1444 and applicable regulations in 34 CFR Part 303 will be in effect throughout the FFY 2010 grant period.

CNMI's FFY 2010 IDEA Part C grant is subject to Special Conditions identified in the U.S. Department of Education's June 21, 2010 letter to CNMI, which is Enclosure B to this grant letter and which is expressly incorporated into the terms of CNMI's FFY 2010 IDEA Part C grant. By accepting the enclosed grant award, CNMI expressly agrees to comply with the terms identified in Enclosure B.

Please note that as part of CNMI's application for FFY 2010, CNMI has made an assurance, pursuant to 34 CFR §80.11(c), that it will comply with all applicable Federal statutes and regulations in effect during the FFY 2010 grant period. Before adopting a new or revised IDEA Part C policy or procedure that is required under Section II.A of CNMI's FFY 2010 application, CNMI must subject those policies and procedures to the public participation requirements in 34 CFR §§303.110 through 303.113 and receive OSEP approval for them prior to their implementation.

Enclosed is CNMI's FFY 2010 grant award for funds available under the Consolidated Appropriations Act, 2010 – P.L. 111-117 for the Part C program. These funds are available for obligation by States and territories from July 1, 2010 through September 30, 2012 in accordance with 34 CFR §76.709.

Section 604 of the IDEA provides that “[a] State shall not be immune under the 11th amendment to the Constitution of the United States from suit in Federal court for a violation of this [Act].”

Section 606 provides that each recipient of assistance under IDEA make positive efforts to employ and advance in employment qualified individuals with disabilities in programs assisted under the IDEA. Therefore, by accepting this grant, CNMI is expressly agreeing as a condition of IDEA funding to a waiver of Eleventh Amendment immunity and to ensuring that positive efforts are made to employ and advance employment of qualified individuals with disabilities in programs assisted under the IDEA.

Page 3 -- Commissioner of Education

The enclosed grant award of FFY 2010 funds is made with the continued understanding that this Office may, from time to time, require clarification of information within your application, if necessary. These inquiries may be necessary needed to allow us to appropriately carry out our administrative responsibilities related to Part C.

We appreciate your ongoing commitment to the provision of quality early intervention services to infants and toddlers with disabilities and their families.

Sincerely,

A handwritten signature in black ink, appearing to read "Alexa Posny". The signature is fluid and cursive, with the first name "Alexa" written in a larger, more prominent script than the last name "Posny".

Alexa Posny, Ph.D.

Acting Director

Office of Special Education Programs

Enclosure

Enclosure A

Enclosure B

cc: Part C Coordinator